

REMARKS

This responds to the Final Office Action dated on May 6, 2009.

Claims 1-2, 44, 48-49 and 51-53 are amended, claims 4, 50 and 54 are canceled, and no claims are added; as a result, claims 1-3, 5-7, 21, 23-26, 43-49, 51-53 and 55-60 are now pending in this application.

§ 112 Rejection of the Claims

Claims 1-3, 5-7, 23-24, 43-47, 51-52 and 55-60 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description or enablement. The Examiner rejected the language including “compression features...define a substantially free space...”. Although Applicant does not admit that such language is not supported, but the claims have been amended to recite, among other things, language directed to “the at least one filler including one or more compression features which enable the at least one filler to compress or otherwise move with the lead body”. This is taken from the specification at page 6, paragraphs [0022]-[0023]. Applicant respectfully requests that the rejection be removed.

§ 102 Rejection of the Claims

Claims 1-3, 5-7, 23-24, 43-47, 51-52 and 55-60 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cross et al. (U.S. Patent No. 5,935,159).

Claim 1

Currently amended independent claim 1 recites, among other things, “a tubular lead body including an inner body surface, with material defining an interior lumen extending through the tubular lead body such that the inner body surface and the material defining the interior lumen define a hollow between the inner body surface and the material defining the interior lumen; at least one electrode disposed along the tubular lead body; at least one conductor electrically coupled with the at least one electrode and disposed in the hollow; and at least one filler disposed within the hollow, the at least one filler including one or more compression features which enable the at least one filler to compress or otherwise move with the lead body.” The Cross reference does not disclose all elements of claim 1.

Cross describes a core structure (102 of Fig. 2) that includes grooves for the purpose of securely holding insulated conductors (Cross at col. 2, lines 33-48). The Cross reference does not describe “material defining an interior lumen extending through the tubular lead body such that the inner body surface and the material defining the interior lumen define a hollow between the inner body surface and the material defining the interior lumen.” The Cross reference discusses an optional lumen placed in the filler (see 126 of Fig. 6, col. 4, line 5), but the lumen is created from the filler, not a separate material that defines a lumen. In claim 1, the filler is placed between this material and the tubular lead body. Cross does not describe this.

Further, the Cross reference does not disclose “at least one filler disposed within the hollow, the at least one filler including one or more compression features which enable the at least one filler to compress or otherwise move with the lead body”. The filler material of Cross contains grooves in which insulated conductors are mechanically “snapped into the grooves” (see Cross at col. 2, line 47). The purpose of the grooves is to hold the conductors in place. The grooves of Cross are not equitable with the compression features of claim 1. The compression features of claim 1 enable the filler to compress. The grooves of Cross work contradictory to this purpose. The grooves of Cross tightly hold conductors and do not allow for any compression (nor was this contemplated or desired by Cross) and cannot be use as compression features.

Claim 44

Currently amended independent claim 44 recites, among other things, “a lead body defining a lead lumen; an electrode coupled to the lead body; a coiled conductor electrically coupled to the electrode and extending through the lead lumen; and a filler disposed in the lead lumen partially around the coiled conductor, the filler including one or more compression features which enable the filler to compress or otherwise move with the lead body.” The Cross reference does not disclose all elements of independent claim 44.

Cross describes a core structure (102 of Fig. 2) that includes grooves for the purpose of securely holding insulated conductors (Cross at col. 2, lines 33-48). The Cross reference does not disclose “a filler disposed in the lead lumen partially around the coiled conductor, the filler including one or more compression features which enable the filler to compress or otherwise move with the lead body”. The filler material of Cross contains grooves in which insulated

conductors are mechanically “snapped into the grooves” (see Cross at col. 2, line 47). The purpose of the grooves is to hold the conductors in place. The grooves of Cross are not equitable with the compression features of claim 1. The compression features of claim 1 enable the filler to compress. The grooves of Cross work contradictory to this purpose. The grooves of Cross tightly hold conductors and do not allow for any compression (nor was this contemplated or desired by Cross) and cannot be use as compression features.

Claim 51

Currently amended independent claim 51 recites, among other things, “a lead body defining a lead lumen; an electrode coupled to the lead body; a conductor electrically coupled to the electrode and extending through the lead lumen; and material defining an interior lumen extending through the lead lumen positioned by a filler disposed in the lead lumen with the filler including compression features disposed along a portion of the filler adjacent the material defining the interior lumen, with the conductor disposed outside the material defining the interior lumen and the compression features, wherein the compression features which enable the filler to compress or otherwise move with the lead body.” The Cross reference does not disclose all elements of independent claim 51. Arguments in regard to claim 1 are applicable to claim 51 and are herein incorporated by reference.

As the Cross reference does not disclose all the features of the present independent claims, it is respectfully requested that the novelty rejection be removed. It is believed the dependent claims are similarly in allowable condition.

§ 103 Rejection of the Claims

Claims 21, 25, 49-50 and 53-54 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cross et al. (U.S. Patent No. 5,935,159) and one of ordinary skill in the art.

Claims 21, 25, 49-50 and 53-54 depend from independent claims 1, 44 and 51. As discussed above, the Cross reference does not include all elements of the independent claims (arguments in regard to claims 1, 44 and 51 herein incorporated by reference). By citing the knowledge known to one skilled in the art, the Examiner has not remedied the deficiencies in Cross. Claims 21, 25, 49-50 and 53-54 are believed to be in similarly allowable condition.

Claims 26 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cross et al. (U.S. Patent No. 5,935,159) in view of Dahl et al. (U.S. Patent No. 5,366,496) and one of ordinary skill in the art.

Claims 26 and 48 depend from independent claims 1 and 44. As discussed above, the Cross reference does not include all elements of the independent claims (arguments in regard to claims 1 and 44 herein incorporated by reference). The Dahl reference does not remedy the deficiencies in Cross. Claims 26 and 48 are believed to be in similarly allowable condition.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6920 to facilitate prosecution of this application.

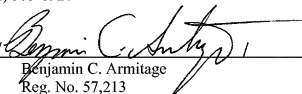
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 6th day of November, 2009.

Nellie Nuhring

Name


Signature